

89-1224

Supreme Court, U.S.

FILED

DEC 29 1989

JOSEPH F. SPANIOLO, JR.
CLERK

IN THE SUPREME COURT
of the
UNITED STATES
January Term 1990
No. 89.1471

MAKI

V.

PETITIONER

THE UNITED STATES

RESPONDENT

PETITION for WRIT of CERTIORARI to THE
UNITED STATES COURT of APPEALS for the
FEDERAL CIRCUIT

JAMES P. YOUNGBERG
d/b MAKI
201 Spartan Village
Wrightstown, N. J. 08562
609-723-7060



QUESTION PRESENTED FOR REVIEW

1. Are RULES or LAWS only to apply to those that are not part of a Political special interest group, or as proposed by the greatest documents in the world, The Bill of Rights and The Constitution, which values each individual.

2. The following is a list of Rules that the Navy Dept, Justice Dept, Claims Court, Appeals Court, and the Supreme Court have defaulted;

A. Fraud; Navy Dept. 41 USC (111) (b) 2

B. Anarchy; Justice Dept. Admits No Judgement of Issue; Appellee's Informal Brief, dated July 19, 1989 p 4, (3) 2 para, 41 USC (111) (b) 2

C. Anarchy; Claims Court, failed to Rule on issue 41 USC (111) (b) 2

D. Anarchy; Appeals Court

(1) failed to Rule on issue 41 USC (111) (b) 2

(2) failed to follow its own Rules; 13 (k) Court Order filed 16, June 1989. 14 sent. 2 or 31 (e), sent. 3, 43 (c) (1) Notice of Default filed 2 August 1989, or 2 see D. 1

E. Anarchy; Supreme Court (denied) No. 88-529 Prefix 2; 41 USC (111) (b) 2

Comment;

The above only proves the following;
ANARCHY MAKING:

1. Slaves of Women

2. Idiots of school children

3. Jungles of Cities

Prefix 1.

NOTE: Rule 28.1

Maki is a trade name for, JAMES P. YOUNGBERG individual doing business with a Agency of the United States.



IN THE SUPREME COURT of the UNITED STATES

JANUARY TERM 1990

No. 89-1471

MAKI

PETITIONER

V.

THE UNITED STATES

RESPONDENT

PETITION for WRIT of CERTIORARI to the UNITED STATES COURT of APPEALS for the FEDERAL CIRCUIT.

The petitioner, MAKI, respectfully prays that a writ of certiorari issue to review the judgement of the UNITED STATES COURT of APPEALS for the FEDERAL CIRCUIT entered on 2, Oct. 1989.

OPINION BELOW

The Court of Appeals entered its decision, affirming the Petitioner's Fraud Motion, dated 2 Oct. 1989 denied. Appendix A.



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PREFIX

Petitioner's Petition 2 pages

APPENDIX

A. Appeals Court's decision 2 pages
B. C1, Ct. Order 1 page
C. Maki Letter 1 page
D. Maki Motion 2 pages
E. Appeals Court's Letter 2 pages

AUTHORITIES

UNITED STATES CONSTITUTION

Admendment V
Admendment XIII

UNITED STATES CODE

28 Section 1254 (65)
41 Section 111 (b) 2



STATEMENT

Nov. 16, 1983 Plaintiff received a letter of Contract Termination; reason, Navy Dept. wanted time for redesign of project. The Law 41 USC 111 (b) 2; was not part of the Contract Conditions or was the Plaintiff notified of its existence on or after said termination.

Apr. 1984 Plaintiff received a Notice to provide the Navy Dept. a new proposal for said Contract.

Apr. 1984 Plaintiff expressed its concern for the Navy Dept. handling of the Contract in a CLAIM based on "much more than an unreasonable delay".

For the next four years the Navy, Justice Dept., Claim's Court, Appeals Court along with a Writ of Certari denied 88-529, have all agreed that the Plaintiff was intitled to damages based on a unreasonable delay with no allowance for the illegal restrain of the Plaintiff's cash bond to triple damages which the Navy Dept. did not release for approx. fourteen months, which prevented Plaintiff use of that bonding power.

After denial, Plaintiff resubmitted its Claim based on Navy Dept. FRAUD, Plaintiff is again at this Court's door asking to Rule on Issue; Law 41 USC 111 (b) 2; Which Protects Contractor from type of abuse Plaintiff had to indure.

FRAUD - Appeals Court plus all other concerned; Failure to Rule on Issue; Law 41 USC 111 (b) 2; is a Artifice to prevent Plaintiff's claim for damages to go beyond a delay.

The justice Dept. has finially admitted that the Plaintiff has not received a Judgement of Issue, Appealee's Informal Breif, dated July 19, 1989 p4 (3) para 2, of 41 USC 111 (b) 2.

THE ISSUE

UNREASONABLE DELAY, provides for hard damages which can be backed up by direct costs;

ILLEGAL RESTRAIN, forced Plaintiff out of Business.

COMMENT: This is why Plaintiff suggested a Masters arbitration.

Note: This opinion has not been prepared for publication in a printed volume because it does not add significantly to the body of law and is not of widespread legal interest. It is a public record. It is not citable as precedent. The decision will appear in tables published periodically.

UNITED STATES COURT of APPEALS
for the FEDERAL CIRCUIT

89 - 1471

MAKI,

Plaintiff-Appellant,

V.

THE UNITED STATES,

Defendant-Appellee.

DECIDED October 2, 1989

Before FRIEDMAN, Circuit Judge, BALDWIN,
Senior Circuit Judge, and MAYER, Circuit Judge.
BALDWIN, Senior Circuit Judge .

DECISION

Maki (petitioner) appeals an order by the United States Claims Court, Case No. 288-85C, denying its motion for retrial. We affirm.



OPINION

We find Maki's allegations of fraud and unfairness and its request for the appointment of a special master pursuant to Claims Court Rule 53 (b), to be without merit. Moreover, based on the record, we do not believe the Claims Court abused its discretion in denying Maki's motion for a new Trial. Shatterproof Glass Corp. v. Libbery-Owens Ford Co., 758 F.2d 613, 626 (Fed. Cir.), cert. denied,



IN THE UNITED STATES CLAIMS COURT

MAKI,

Plaintiff,

V.

No. 288-85C

(Filed: May 11, 1989)

THE UNITED STATES,

Defendant.

ORDER

Plaintiff's May 8, 1989, motion for retrial is DENIED. It is apparent that plaintiff sincerely believes that it was not treated fairly or equitably in its contractual relationship with the Department of Navy. However, this court carefully considered each of plaintiff's arguments and came to the conclusion that plaintiff was not entitled to any legal recovery beyond that awarded by the court. This court's decision was affirmed on appeal. Plaintiff has not presented any arguments that provide a proper basis for this court to change its judgment herein.

ROGER B. ANDEWELT

Judge



for the FEDERAL CIRCUIT

MAKI V US, 89-1471

**Appellant's Motion for
Dismissal and Forfeiture**

**The Appellant respectfully request the Court
to agree with its Letters of 21, July and 7, August
1989 that would prove without any doubt, that the
above Motion is a correct one.**

Sincerely

**James P. Youngberg
201 Spartan Village
Wrightstown, N. J. 08562
609-723-7060**

Sent to:

**Clerk of Court
Scott Ray Washington D. C. acting for
U. S.**

C. 1



UNITED STATES COURT of APPEALS
for the FEDERAL CIRCUIT

MAKI V US, 89-147

Re; Response to Letter dated August 2, 1989

Sir;

(1) Rule 43 (c) (1) was breached by the US. to this date I have not received an Order from the Court of a "Suspension of Rule" per Rule 2. Until then I believe the US. is in Default.

(2) Guide for Pro Se Rule 14, 2 sentence or Rule 31 (e), 3 sentence. The US service dated 19, July 1989 and my service dated 2, June 1989 took 47 days for filing its "Informal Brief" per the rules above dated 26 days late, or copy of request for an extension of time per Rule 26. Until I receive an Order as above the US. is in Default.

I believe that the US has Forfeited its right of service.



As shown above the US not only does not feel obligated to respect their Contract as in my case or honor the Rules of the Court.

My question to the Court is this not ANARCHY?

Per your letter I am sending this letter to the US under duress.

Sincerely,

James P. Youngberg
201 Spartatn Village
Wrightstown N. J. 08562
609-723-7060
7, August 1989

Sent to:

Clerk of Court
Scott Ray Washington D. C. acting for
US



**UNITED STATES COURT of APPEALS
for the FEDERAL CIRCUIT
717 Madison Place, N. W.
Washington, D. C. 20439**

**Francis X. Gindhart
Clerk**

**Telephone: 633-6550
Area Code 202**

August 18, 1989

**Mr. James P. Youngberg
MAKI
201 Spartan Village
Wrightstown, NJ 08562**

Re: MAKI v. US, No. 89-1471

Dear Mr. Youngberg:

**This will respond to the materials received on
August 16, 1989, which are herewith returned.**

**Your appeal has been referred to a panel of the
court for September 7, 1989. The panel will
consider your brief together with the brief filed by
the government.**

E. 1

There is no provision in the statutes or rules for a default to be entered against an appellee. The only sanction contemplated by the rules is to deny oral argument to an appellee who has failed to file a brief. In this appeal, neither side will be presenting an argument.

Very truly yours,

Francis X. Gindhart

FXG:ld

Encls.